

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

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| FRANKIE BROWN, |) | |
| |) | |
| Plaintiff, |) | Case No. 07 C 6490 |
| |) | |
| v. |) | Judge Robert M. Dow |
| |) | |
| CITY OF MARKHAM and City of |) | Magistrate Judge Nan R. Nolan |
| Markham Police Officers HARRIS D. |) | |
| WALKER (Star # 526), MICHAEL |) | |
| WILSON, DARRYL STARKS, JESSE |) | |
| JONES, TONY DEBOIS, MAX |) | |
| SAUNDERS, and UNKNOWN |) | |
| MARKHAM POLICE OFFICERS, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANT CITY OF MARKHAM'S MOTION FOR LEAVE TO FILE ITS
RESPONSE TO PLAINTIFF'S SECOND MOTION TO COMPEL INSTANTER**

Defendant City of Markham, by and through its attorneys, LITCHFIELD CAVO LLP, and moves this Court for Leave to File Its Response to Plaintiff's Second Motion to Compel *Instanter*. In support of its motion, Defendant states as follows:

1. Defendant's Response to Plaintiff's Second Motion to Compel was due on July 15, 2008.
2. Within the past two weeks, Defense counsel has taken numerous depositions in this case. In addition, defense counsel has appeared for additional depositions unrelated to this case. Defense counsel believed she would be able to file the City's Response brief by the July 15, 2008 deadline, but was unable to due so.

3. Defense counsel has conferred with Plaintiff's counsel who has no objection to this motion and who contends that he will still be able to file his Reply brief by the July 22, 2008 deadline.

4. No prejudice will be suffered by Plaintiff in the granting this Motion.

5. Defense counsel apologizes for any inconvenience this may have caused the Court.

WHEREFORE, Defendant City of Markham, respectfully requests leave to file its Response to Plaintiff's Second Motion to Compel, *instanter*.

City of Markham,

/s/ Lauren M. Penn
LITCHFIELD CAVO LLP
Its Attorneys

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CERTIFICATE OF SERVICE

I, Lauren M. Penn, an attorney, certify that on July 16, 2008, I served this document on each counsel of record by ECF electronic filing.